

REMARKS

I Disposition of Claims

Claims 1, 3, 9, 10, 12, and 13 are currently pending. Claims 2 and 4 have been canceled. Claim 1 has been amended to contain the limitations of former Claim 2. The remaining claims have been amended to comport with the amendments to Claim 1, from which they ultimately depend. No new matter has been added.

II Non-obviousness

The Examiner has rejected Claims 1-4 and 9-13 under 35 USC 103(a) as being obvious over Botich (US 5,407,431) in further view of Ericson (US Pub 20010014996). The Examiner explained that the limitations of Claims 2 and 4 regarding "for use in an injection apparatus" had been interpreted as being merely intended use language, and that the limitations related to interaction of the syringe barrel with the cylinder holder and the insertion groove were functional language because the cylinder holder was not positively recited. The claims have now been amended to expressly recite the injection apparatus formerly recited in Claim 2. Accordingly, these limitations must now be considered as positive limitations on the claims.

In order to establish a case of prima facie obviousness, a claim must teach or suggest all the claim limitations (MPEP 2143). Claim 1 has been amended to positively recite an injection apparatus comprising a cylinder holder with a flange insertion groove adapted to hold a flange of a syringe barrel so as to fix the syringe barrel. Neither Botich nor Ericson disclose a syringe barrel as a component of an injection apparatus. The syringe disclosed in Botich is clearly designed for use by hand only. Botich teaches that the syringe would be used between the user's fingers and thumb, using the finger retaining lip (79) on the barrel and the push plate (77) on the flange (Column 11, lines 14-24). The grooves (83) provided on the front surface of Botich's flange are relatively large so that they can be suitably handled by a user's fingers. These grooves are not suitable to fix the syringe barrel in an injection apparatus, as presently recited in the claims. This is because a user's fingers are generally soft whereas the wall of a flange insertion groove is hard. Ericson discloses nothing that addresses this deficiency of Botich. Thus, the combination of Botich with Ericson would not produce all of the claim limitations.

Furthermore, the presently claimed invention provides an unexpected advantage that further evidences the nonobviousness of the claims. The roughened flange held by the flange insertion groove of the current invention allows for injection with much higher injection pressure

than one could obtain with the manual injection disclosed by Botich. Therefore, even had a *prima facie* case of obviousness been established, it would be rebutted by these unexpected results. Therefore, the rejection cannot stand and the claims should be allowed.


CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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